

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

Joseph A. Foistner

v.

24-cv-3-SE-AJ

FMC Devens, Warden

ORDER

No objection having been filed, I herewith approve the Report and Recommendation of Magistrate Judge Andrea K. Johnstone dated January 5, 2024. For the reasons explained therein, this court lacks jurisdiction over Mr. Foistner's § 2241 petition. The Clerk of Court is directed to transfer this case to the District of Massachusetts.

“‘[O]nly those issues fairly raised by the objections to the magistrate's report are subject to review in the district court and those not preserved by such objection are precluded on appeal.’”

School Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010) (quoting Keating v. Secretary of Health & Human Servs., 848 F.2d 271, 275 (1st Cir.1988)); see also United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986) (after proper notice, failure to file a specific objection to magistrate's report will waive the right to appeal).



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Samantha D. Elliott  
United States District Judge

Date: February 29, 2024

cc: Joseph A. Foistner, pro se